

Defendant.

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3/13/18

CONSENT ORDER  
OF FORFEITURE

S1 13 Cr. 880 (CS)

WHEREAS, the Indictment included a forfeiture allegation as to Count One, seeking forfeiture to the United States, pursuant to 21 U.S.C. § 853, of any and all property constituting or derived from any proceeds obtained directly or indirectly as a result of the offense alleged in Count One of the Indictment and any and all property used or intended to be used in any manner or part to commit or to facilitate the commission of the offense alleged in Count One of the Indictment, including but not limited to a money judgment representing the proceeds obtained as a result of the commission of the offense alleged in Count One of the Indictment;

WHEREAS, on or about November 24, 2014, the defendant pled guilty to the lesser included offense of Count One of the Indictment of participating in a conspiracy to distribute 100 grams and more of mixtures and substances containing a detectable amount of heroin, in violation of 21 U.S.C. § 846, wherein the defendant agreed to forfeit a sum of money equal to \$5,000 in United States currency, representing property constituting or derived from any proceeds obtained directly or indirectly as a result of the offense alleged in Count One; and

~~WHEREAS, the defendant consents to a money judgment in the amount of \$5,000 in United States currency;~~

IT IS HEREBY STIPULATED AND AGREED, by and between the plaintiff, United States of America, by its attorney Preet Bharara, United States Attorney, Assistant United States Attorney Jessica Feinstein, of counsel, and the defendant, and his counsel, Joseph Vita, Esq., that:

1. As a result of the lesser included offense of Count One of the Indictment of participating in a conspiracy to distribute 100 grams and more of heroin, in violation of 21 U.S.C. § 846, to which the defendant pled guilty, a money judgment in the amount of \$5,000.00 shall be entered against the defendant.

2. Pursuant to Rule 32.2(b)(4)(A) of the Federal Rules of Criminal Procedure, this Consent Order of Forfeiture shall be

final as to the defendant, BARRY COOPER, upon entry of this order, and shall be made part of the sentence of the defendant, and shall be included in the judgment of conviction therewith.

3. Pursuant to Rule 32.2(b)(3) of the Federal Rules of Criminal Procedure, upon entry of this Order of Forfeiture the United States Attorney's Office is authorized to conduct any discovery needed to identify, locate or dispose of the property, including depositions, interrogatories, requests for production of documents and the issuance of subpoenas, pursuant to Rule 45 of the Federal Rules of Civil Procedure.

4. All payments on the outstanding money judgment shall be made by postal money order, bank or certified check, made payable, in this instance to the "United States Marshals Service," and delivered by mail to the United States Attorney's Office, Southern District of New York, Attn: Asset Forfeiture Unit, One St. Andrew's Plaza, New York, New York 10007.

5. The Court shall retain jurisdiction to enforce this Order, and to amend it as necessary, pursuant to Federal Rule of Criminal Procedure 32.2(e).

6. The Clerk of the Court shall forward three certified copies of this Order to Assistant United States Attorney Sharon Cohen Levin, One St. Andrew's Plaza, New York, New York 10007.

7. Upon execution of this Order of Forfeiture, and pursuant to 21 U.S.C. § 853, the United States Marshals Service

shall be authorized to deposit the payments on the Money Judgment in the Assets Forfeiture Fund, and the United States shall have clear title to such forfeited property.

8. The signature pages of this order may be executed in one or more counterparts, each of which will be deemed an original but all of which together will constitute one and the same instrument.

AGREED AND CONSENTED TO:

PREET BHARARA  
United States Attorney for the  
Southern District of New York  
Attorney for Plaintiff

By: Jessica K. Feinstein  
JESSICA FEINSTEIN  
Assistant United States Attorneys  
300 Quarropas Street  
White Plains, NY 10601  
(914) 993-1904

3/12/15  
DATE

DEFENDANT

By: Barry Cooper  
BARRY COOPER

3-12-15  
DATE

By: Jose A. Vita  
JOSEPH VITA, ESQ.  
Attorney for Defendant

3-12-15  
DATE

SO ORDERED:

Cathy Seibel  
HONORABLE CATHY SEIBEL  
UNITED STATES DISTRICT JUDGE

3/12/15  
DATE